

Amendment No. 1 to SB0696

Southerland
Signature of Sponsor

AMEND Senate Bill No. 696

House Bill No. 430*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-13-108, is amended by deleting the section and substituting the following:

(a) The commissioner of environment and conservation may, within two (2) years after a river or segment of river has been made part of the state scenic rivers system, determine generally the boundaries of the scenic river area associated with that river or river segment. If a determination of the boundaries is made, the determination shall be in accordance with the following river classifications:

(1) For a Class I river (the gorge and swamp rivers), the boundary shall be established in such a way that it includes at least the entire scenic vista from the river and its banks. For gorge rivers, the boundaries shall be no more than three thousand feet (3,000') from the center of the river on each side. For swamp rivers, the boundaries shall be no more than one thousand feet (1,000') from the center of the river on each side; and

(2) For Class II or Class III river areas, the boundary shall include the vista from the river and shall be no more than four hundred fifty feet (450') from the usual banks of the river on each side.

(b)

(1) If the commissioner of environment and conservation determines that the establishment of boundaries on that segment of Duck River established as a

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scenic river under § 11-13-104 is to be established then the commissioner shall initiate an outreach program to educate property owners and local communities in the area of this river segment about the program and the environmental and economic benefit the establishment of such boundaries provides. The commissioner shall then, using sound discretion and considering all relevant circumstances, establish a perpetual boundary of the scenic river area associated with the river or river segment.

(2)

(A) If the proposed boundary of the scenic river area includes private property, then the state shall obtain the notarized consent of the private landowner before establishing the boundary.

(B) The department shall only establish boundaries on this river based upon the consent of the owner of any affected private lands.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.